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Patent
071949-2705IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth F. Buechler

Title: RAPID EVALUATION OF
THE RATIO OF BIOLOGICAL MOLECULES

Appl. No.: 10/697,356

Filing Date: October 29, 2003

Examiner: Changhwa Cheu

Art Unit: 1641

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Vanessa E. Agha (Printed Name) <i>Vanessa E. Agha</i> (Signature) 2-15-2006 (Date of Deposit)

DECLARATION OF DR. KENNETH F. BUECHLER

I, Kenneth F. Buechler, Ph.D., state and declare as follows:

1. I am currently President and Chief Scientific Officer for Biosite Incorporated, San Diego, CA, the assignee of the above-referenced U.S. Patent Application No. 10/697,356. I am named as sole inventor on the '356 application.

2. I have reviewed and am familiar with the specification filed in the '356 application, and the Office Action concerning the application mailed on October 19, 2005. I am also familiar with Buechler *et al.*, WO96/33415, on which I am also named as an inventor.

3. I do not agree that the subject matter presently claimed in the '356 application is disclosed in WO96/33415. However, should the Examiner disagree with this conclusion, I alone conceived the subject matter presently claimed in the '356 application and I am the sole inventor of that subject matter.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements so made are

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punishable by fine or imprisonment or both under § 1001 of Capital Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Jan 23, 2006
Date

Kenneth F. Buechler
Dr. Kenneth F. Buechler